

## REMARKS

### I. Introduction

Claims 1-20 are pending in the application. In the Office Action dated March 10, 2009, the Examiner rejected claims 1-19 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Pat. No. 6,442,611; rejected claims 1-4, 6-8, 10-14, 16-18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,634,127 ("Cloud") in view of U.S. Pat. No. 5,051,947 ("Messenger") and U.S. Pat. No. 5,659,727 ("Veli"); rejected claims 5 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Cloud in view of Messenger and what the Examiner asserts is widely-known; and rejected claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Cloud in view of Messenger and U.S. Pat. No. 5,819,092 ("Ferguson"). Applicants request reconsideration in light of the following remarks.

### II. Double Patenting Rejection

Claims 1-19 were rejected under the judicially created doctrine of double patenting as being unpatentable over U.S. Pat. No. 6,442,611. Upon a determination that the claims are allowable absent the double patenting rejection, Applicants will file a terminal disclaimer to overcome the double patenting rejection. However, the submission of a terminal disclaimer should not be interpreted as an agreement with, or acquiesce to, the double patenting rejection.

### III. The Proposed Combinations Do Not Render Claims 1 and 20 Unpatentable

Independent claims 1 and 20 recite transmitting a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions ***even when the respective applications do not recognize the first optional data item.*** In the proposed combinations of Cloud, Messenger, and Veli, the Examiner asserts that Veli teaches the respective applications processing the set of data access transactions even when the respective applications do not recognize the first optional data item. (See Office Action dated March 10, 2009, page 4). Applicants respectfully disagree.

Veli is directed to a computer program product and program storage device for encoding, storing, and retrieving hierarchical data processing information for a computer system. In the Office Action, the Examiner cites Col. 15, lines 57-62 as teaching respective applications processing the set of data access transactions even when the respective applications do not recognize the first optional data item. Col. 15, lines 57-62 of Veli states:

An Ignorable attribute specifies that a parameter can be ignored by the receiver of a command if the receiver does not provide the supported request. The parameter can be sent optionally to all senders. ***The parameter codepoint must be recognized by all receivers.*** The receiver can ignore the parameter value. (Emphasis Added)

As shown above, the cited portion of Veli does not teach that a receiver does not recognize a parameter (the purported optional data item). In fact, the cited portion of Veli explicitly states that a receiver **must** recognize an attribute of the parameter, the parameter codepoint. If the receiver recognizes that the parameter is ignorable due to the parameter codepoint, the receiver may then ignore the value of the parameter if it does not provide support for a request. Further, Applicants submit that a receiver simply **ignoring** a value of a parameter is not the same as a receiver **not recognizing** a parameter. There is no teaching in the cited portion of Veli of the system not recognizing a first optional data item as recited in claims 1 and 20.

The proposed combinations of Cloud, Messenger, and Veli fail to teach a set of data access transactions to respective applications, wherein at least some of the set of data access transactions comprise a first optional data item, and wherein the respective applications process the set of data access transactions ***even when the respective applications do not recognize the first optional data item.*** For at least this reason, the combinations of Cloud, Messenger, Veli, and Ferguson does not render independent claims 1 and 20, or any claim that depends on claim 1, unpatentable.

#### IV. The Proposed Combinations Do Not Render Claim 10 Unpatentable

Independent claim 10 recites a system wherein a plurality of applications is operative to process a set of data access transactions even when the plurality of applications do not recognize a first option data item. As discussed above in conjunction with claims 1 and 20, the proposed combinations of Cloud, Messenger, and

Veli fail to teach this element. The Examiner has also not asserted that Ferguson teaches a system wherein a plurality of applications is operative to process a set of data access transactions even when the plurality of applications do not recognize a first option data item. For at least this reason, the proposed combinations of Cloud, Messenger, Veli, and Ferguson necessarily do not render independent claim 10, or any claim that depends on claim 10, unpatentable.

**V. Conclusion**

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Amendment, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

  
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